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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA
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12 CECIL J. HART,

13 Plaintiff,

14 v.

15 STATE OF WASHINGTON,

16 Defendant.

17 CASE NO. 3:23-cv-05347-DGE

18 ORDER ADOPTING REPORT AND
19 RECOMMENDATION

20 The Court, having reviewed de novo the Report and Recommendation of Judge Theresa
21 L. Fricke, United States Magistrate Judge, objections to the report and recommendation, if any,
22 and the remaining record, does hereby find and ORDER:

- 23 1. The Court ADOPTS the Report and Recommendation (Dkt. No. 6);
24 2. Plaintiff's Complaint fails to state a claim upon which relief may be granted under
25 42 U.S.C. § 1983;
26 3. Plaintiff's application to proceed *in forma pauperis* is DENIED; and
27 4. Plaintiff's action is DISMISSED without prejudice.
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1 5. The Clerk is directed to send copies of the Order to Plaintiff.
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4 Dated this 27th day of July 2023.

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David G. Estudillo
United States District Judge